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E-Filed on 1/22/08

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

STATUS AND AGENDA FOR JANUARY 24, 2008 HEARINGS

Date of Hearing: January 24, 2008

Time of Hearing: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

9:30 a.m.

1. **Objection to Claim 819 of SPECTRUM FINANCIAL in the amount of \$49,581,000; Claim 821 of ROLLAND P. WEDDELL in the amount of \$13,081,000** filed by JEANETTE E. MCPHERSON on behalf of USA COMMERCIAL MORTGAGE COMPANY [DE 2021]

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1 **Response Filed:** Response with Certificate of Service Filed by SCOTT D.
2 1/10/2007 FLEMING on behalf of SPECTRUM FINANCIAL GROUP [DE
3 2394]

4 1/10/2007 Response with Certificate of Service Filed by SCOTT D.
5 FLEMING on behalf of ROLLAND P. WEDDELL [DE 2398]

6 1/11/2007 Amended Response with Certificate of Service Filed by SCOTT
7 D. FLEMING on behalf of SPECTRUM FINANCIAL GROUP
8 [DE 2404]

9 1/11/2007 Amended Response with Certificate of Service Filed by SCOTT
10 D. FLEMING on behalf of ROLLAND P. WEDDELL [DE 2406]

11 **Stipulation Filed:** Stipulation By SPECTRUM FINANCIAL GROUP, ROLLAND
12 1/12/2007 P. WEDDELL and Between Debtors *Continuing Hearing from*
13 *January 17, 2007 to January 31, 2007* Filed by SCOTT D.
14 FLEMING on behalf of SPECTRUM FINANCIAL GROUP,
15 ROLLAND P. WEDDELL [DE 2425]

16 1/17/2007 Stipulation to Continue Hearing on ROLAND P. WEDDELL and
17 SPECTRUM FINANCIAL GROUP, LLC's Proofs of Claim [DE
18 2437]

19 2/20/2007 Stipulation and Order Continuing Hearing on USA
20 COMMERCIAL MORTGAGE COMPANY's Objection to Proof
21 of Claim No. 819 Filed by SPECTRUM FINANCIAL GROUP,
22 LLC and Claim No. 821 Filed by ROLLAND P. WEDDELL.
23 Hearing scheduled 3/1/2007 at 09:30 AM at LBR-Courtroom 1,
24 Foley Federal Bldg. [DE 2838]

25 3/02/2007 Stipulation and Order Continuing Hearing on USA
26 COMMERCIAL MORTGAGE COMPANY'S Objection to Proof
 of Claim No. 819 Filed by SPECTRUM FINANCIAL GROUP,
 LLC and Claim No. 821 Filed by ROLLAND P WEDDELL [DE
 2975]

 3/26/2007 Stipulation By USACM LIQUIDATING TRUST and Between
 SPECTRUM FINANCIAL and ROLLAND P. WEDDELL Filed
 by ROB CHARLES on behalf of USACM LIQUIDATING
 TRUST [DE 3277]

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4/24/2007 Stipulation By USACM LIQUIDATING TRUST and Between Spectrum Financial and Rolland P. Weddell *Continuing Hearing on Objection* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3538]

Related Filings: Declaration of William Schilz in Support of Response Filed by
1/10/2007 SCOTT D. FLEMING on behalf of SPECTRUM FINANCIAL GROUP [DE 2396]

1/10/2007 Declaration of Rolland P. Weddell in Support of Response Filed by SCOTT D. FLEMING on behalf of ROLLAND P. WEDDELL [DE 2399]

1/11/2007 Amended Declaration of William Schilz in Support of Response Filed by SCOTT D. FLEMING on behalf of SPECTRUM FINANCIAL GROUP [DE 2405]

1/11/2007 Amended Declaration of Rolland P. Weddell in Support of Response Filed by SCOTT D. FLEMING on behalf of ROLLAND P. WEDDELL [DE 2407]

3/26/2007 Order Approving Stipulation to Continue the Hearing on Objection to Claim 819 of SPECTRUM FINANCIAL in the Amount of \$49,581,000; Claim 821 of ROLLAND P. WEDDELL in the Amount of \$13,081,000 [DE 3278]

3/26/2007 Order Approving Stipulation to Continue the Hearing on Objection to Claim 819 of SPECTRUM FINANCIAL in the Amount of \$49,581,000; Claim 821 of ROLLAND P. WEDDELL in the Amount of \$13,081,000 [DE 3281]

4/24/2007 Order Approving Stipulation to Continue the Hearing on Objection to Claim 819 of SPECTRUM FINANCIAL in the Amount of \$49,581,000; Claim 821 of ROLLAND P. WEDDELL in the Amount of \$13,081.000 [DE 3542]

Related Filing: Order Granting Motion To Withdraw As Counsel for Claimants
10/01/2007 ROLLAND P. WEDDELL and SPECTRUM FINANCIAL GROUP [DE 4907]

10/11/07 Notice of Appearance and Request for notice filed by Mark Gunderson on behalf of Spectrum Financial Group [DE 4975]

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Status: Hearing rescheduled from 1/31/2007; 3/1/2007; 3/27/2007; 6/15/2007; 7/27/2007; 10/15/2007 and 12/14/2007.

We have circulated a settlement agreement and some items have been raised. Spectrum/Weddell have retained bankruptcy counsel, who want to review the drafts. We anticipate that the parties will ask the Court at the status conference to set a status conference in 60 days to allow the parties time to wrap up the settlement.

1:30 p.m.

1. Adv. 2-07-01154, USACM Liquidating Trust v. JMK Investments, Ltd.,
Status hearing: First Amended Complaint and Request for Declaratory Relief Filed by ERIC D MADDEN on behalf of USACM LIQUIDATING TRUST against all defendants [DE 50]

Status: This matter will come before the Court for oral argument.

2. Adv. 2-07-01154, USACM Liquidating Trust v. JMK Investments, Ltd.,
Status hearing: Order on Motion of J.M.K. INVESTMENTS to Dismiss Pursuant to Rule 12(B)(6) [DE 79]

Related Filing: Motion to Dismiss by *JMK Investments Pursuant to Rule 12(b)(6); Memorandum of Points and Authorities* Filed by GEORGE C LAZAR on behalf of J.M.K. INVESTMENTS, LTD [DE 47]
10/19/2007

Status: This matter will come before the Court for oral argument.

3. Adv. 2-07-01154, USACM Liquidating Trust v. JMK Investments, Ltd.,
Order to show cause why counsel for the Plaintiff should not be sanctioned for filing a disapproval to the order notwithstanding the provisions of LR 9021(b)(3) and the failure to comply with 9021(2)(A)) [DE 82]

Response Filed: Response of Plaintiff's Counsel to Order to Show Cause [DE 93]
1/18/2008

Status: This matter will come before the Court for oral argument.

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4. Adv. 2-07-01154, USACM Liquidating Trust v. JMK Investments, Ltd.,
Motion for Leave to File Second Amended Complaint Filed by STEPHEN T LODEN on
behalf of USACM LIQUIDATING TRUST [DE 75]

Related Filing: Adversary case 07-01154. Complaint *and Request for Declaratory Relief* Filed by USACM LIQUIDATING TRUST vs. J.M.K. INVESTMENTS, LTD., SIMON FAMILY TRUST, STEVEN PORTNOFF, JWB INVESTMENTS, INC., BROUWERS FAMILY LP, LARRY C JOHNS, MARY L JOHNS, PAUL BLOCH LIVING TRUST, RONI AMID, ROBERT M PORTNOFF, SARAH PORTNOFF, MORNINGSIDE HOMES, INC., AURORA INVESTMENTS LP, STEVEN JANOVICH, LINDA JANOVITCH, FIRST SAVINGS BANK, THE MARVIN & VALLIERA MYERS TRUST, LARRY J MIDDLETON, JENNIFER MIDDLETON, ALABRUJ LIMITED PARTNERSHIP, FRANCIS FAMILY TRUST Fee Amount \$250. (12 (Recovery of money/property - 547 preference)(13 (Recovery of money/property - 548 fraudulent transfer) [DE 1]

10/23/2007 First Amended Complaint *and Request for Declaratory Relief* Filed by ERIC D MADDEN on behalf of USACM LIQUIDATING TRUST against all defendants [DE 50]

Opposition Filed: Opposition with Certificate of Service *to Plaintiff USACM LIQUIDATING TRUST'S Motion for Leave to File Second Amended Complaint* Filed by GEORGE C LAZAR on behalf of J.M.K. INVESTMENTS, LTD. [DE 81]

Reply Filed: Reply with Certificate of Service *Reply in Support of Plaintiff's Motion for Leave to File Second Amended Complaint* Filed by STEPHEN T LODEN on behalf of USACM LIQUIDATING TRUST [DE 92]

Status: This matter will come before the Court for consideration

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1 5. Adv. 2-07-01154, USACM Liquidating Trust v. JMK Investments, Ltd.,
2 **Application /Motion for Correction of Clerical Error [Rule60(a)]; Memorandum of**
3 **Points and Authorities in Support Thereof; Declaration of George C. Lazar in Support**
4 **Thereof** Filed by GEORGE C LAZAR on behalf of J.M.K. INVESTMENTS, LTD. [DE
5 85]

6 **Related Filing:** Motion for Order Shortening Time *For Motion for Correction of*
7 1/11/2008 *Clerical Error [Rule 60(a)]* Filed by GEORGE C LAZAR on
8 behalf of J.M.K. INVESTMENTS, LTD. (Attachments: # (1)
9 Attorney Information Sheet pursuant to LR 9006) [DE 84]

10 **Response Filed:** Response with Certificate of Service Filed by STEPHEN T
11 1/14/2008 LODEN on behalf of USACM LIQUIDATING TRUST [DE 86]

12 **Reply Filed:** Reply with Certificate of Service In Support of Motion for
13 1/21/2008 Correction of Clerical Error [DE 94]

14 **Related Filing:** Order Shortening Time for Motion for Correction of Clerical
15 1/14/2008 Error[Rule(60)(a)] Hearing scheduled 1/24/2008 at 01:30 PM at
16 LBR-Courtroom 1, Foley Federal Bldg. [DE 88]

17 **Status:** This matter will come before the Court for oral argument.

18 DATED: January 22, 2008.

19 **LEWIS AND ROCA LLP**

20 By: /s/ Rob Charles (#6593)

21 Susan M. Freeman, AZ 4199 (*pro hac vice*)

22 Rob Charles, NV 6593

23 *Counsel for USACM Liquidating Trust*

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PROOF OF SERVICE

COPY of the aforementioned sent via e-mail or U.S. First Class Mail on January 22, 2008 to the parties listed on the Post-Effective Official Service List for Limited Notice No. 4 Dated January 8, 2008.

/s/ Christine E. Laurel

Christine E. Laurel
Lewis and Roca LLP